

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 4:08CV00810 JCH
)
FIVE HUNDRED TEN THOUSAND,)
EIGHTY-EIGHT DOLLARS)
(\$510,088.00) U.S. CURRENCY, ET AL.)

DEFAULT JUDGMENT OF FORFEITURE

Plaintiff, United States of America has moved this Court, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, for entry of Final Judgment by Default. Plaintiff has shown that there was reasonable cause for seizure of the defendant property, that a complaint for forfeiture was filed, that the claimants Terry Whitten and James Foy were served with process and that any and all other potential claimants have been served by publication. A claim and answer have been received from Melvin Whitten and the plaintiff acknowledges his interest in the 2003 Ford F-350 Pick-up, VIN 1FTWW32SX3EA23690, and the 2007 Trailmaster Flatbed Trailer, VIN 5BEBU20287C144822.2003. An claim has been received from Donald Whitten for \$10,775.00 U.S. Currency (a portion of the \$510,088.00 seized), and is currently pending the receipt of an answer. Proceedings continue in regards to the interest of claimants Melvin Whitten and Donald Whitten. Neither Terry Whitten nor James Foy have filed a claim to the defendant property. The clerk of the Court has entered a default in this action. Therefore, it is hereby,

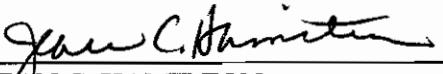
ORDERED, ADJUDGED AND DECREED:

- (1) That a judgment by default is hereby entered in regards to the interest of James Foy and Terry Whitten against the defendant property, \$510,088.00 U.S. Currency,
- (2) That all persons, excluding Melvin Whitten and Donald Whitten, claiming any right, title or interest in the defendant property thereon, are held in default;
- (3) That the interest of Terry Whitten and James Foy in the defendant property, \$510,088.00 U.S. Currency, are hereby forfeited to the United States of America pending the resolution of the interest of Melvin Whitten and Donald Whitten;
- (4) That upon conclusion of the forfeiture proceedings involving Melvin Whitten and Donald Whitten, the defendant property will be disposed of according to law.

IT IS FURTHER ORDERED, FOUND AND CERTIFIED:

- (6) That, pursuant to Title 28, United States Code, Section 2465, reasonable cause existed for the seizure of the defendant property, \$510,088.00 U.S. Currency.

SO ORDERED:



JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of September, 2008.